

ORIGINALDecision No. 52871

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	Application No. 36619
of Western Classification Com-)	and
mittee for approval of changes)	Application No. 36619
in classification provisions.)	First Supplemental

Charles W. Burkett, Jr., and William Meinhold,
for George H. Dumas, Agent, applicant.
Aaron H. Glickman and Earl M. Watson, for Clorox
Chemical Co., intervenor.
E. C. Marlin, for Purex Corporation, Ltd.;
Herman C. Kuhnert, for Western Motor Tariff
Bureau; Leo V. Cox, for Barclay Traffic Service;
and Arlo D. Poe and J. C. Kaspar, for California
Trucking Associations, Inc., interested parties.
Robert A. Lane, for the Commission's staff.

O P I N I O N

George H. Dumas, as chairman of the Western Classification Committee, is agent for railroads and other common carriers in the publication and filing of classification ratings, rules and regulations governing rates published by said carriers. Class rates in Minimum Rate Tariff No. 2 and in the various drayage tariffs containing minimum rates established by the Commission are subject to ratings named in the Western Classification No. 75, Cal. P.U.C. - W. C. No. 9, of George H. Dumas, agent. By application filed January 10, 1955 he sought to make applicable within California a number of classification changes resulting variously in increases, reductions and technical adjustments. In its interim opinion and order in Decision No. 51085, dated February 7, 1955, the Commission granted the application except as to Items Nos. 2715-A (portable swimming pools), 11555-A (sodium hypochlorite solution) and 18920-A (mineral water). The Commission ordered that the application be

held for further consideration upon receipt of further evidence respecting the three items specified above. On May 27, 1955 the applicant filed First Supplemental Application seeking precisely the same authority respecting said Items Nos. 2715-A, 11555-A and 18920-A as was held open for further consideration by the Commission in said Decision No. 51085.

Public hearing was held in the instant proceeding, together with other applications^{1/} of George H. Dumas, agent, on October 13 and 14, 1955 before Examiner J. E. Thompson in San Francisco. The matter was submitted on November 3, 1955 following the filing of memoranda of points and authorities by the applicant and by the California Trucking Associations, Inc.

At the hearing and in the memoranda of points and authorities filed by the parties, issues were raised regarding the elements and factors to be shown by the applicant and considered by the Commission in matters involving a change in the Western Classification. The Commission's conclusions respecting these issues are discussed in its decision issued today in Application No. 36857 and need not be repeated herein. The Commission in determining the matters herein will follow its conclusions set forth in said decision. The proposals will be discussed individually.

Item 2715-A

It is proposed that the description in the item respecting swimming or wading pools, portable, NOIBN, be amended by removing the present provision, "canvas and steel combined".

^{1/} Applications Nos. 36857, 36745, 36999, 37075 and 37238.

The result of the proposal is to provide the same rating on portable swimming pools regardless of construction. The applicant testified that such articles are presently manufactured from various types of synthetic plastic material which would not be covered by the present item. He stated that some manufacturers maintain that wading pools made from synthetic plastic material should be rated in accordance with Item 20747 as games or toys, NOIBN, pneumatic, deflated, for which the ratings are identical with those proposed herein. He stated that the item as proposed, in describing the article as "portable", would not cover an article presently manufactured of extremely low density which is designed for a permanent swimming pool. The portable pools, he stated, have a density ranging from 16 to 33 pounds per cubic foot.

The evidence shows that the transportation characteristics of portable swimming pools made of synthetic plastics are as favorable as deflated pneumatic games and toys and that the synthetic plastic pools should be accorded the rating presently established for portable pools of canvas and steel construction.

Item 11555-A

It is proposed to reduce the rating of sodium hypochlorite solution in barrels or boxes from 3, L.C.L. to 4, L.C.L. Evidence was adduced through the testimony and exhibits of the applicant, the vice president of Clorox Chemical Co. and the general traffic manager of Purex Corporation, Ltd. The evidence shows that sodium hypochlorite solution is used primarily for bleaching, disinfecting, deodorizing and general cleaning. Although it has many uses as a cleaning or washing compound, it is predominantly used by adding to the water in which soaps

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or detergents are used for laundering purposes. It is shipped in glass in corrugated cartons with dividers separating the bottles from one another. The average density of the article is 40 pounds per cubic foot. The retail value per pound is about 5 cents. With respect to transportation in the East Bay drayage area, the article is rated fourth class under an exception rating in City Carriers' Tariff No. 2A - Highway Carriers' Tariff No. 1A. Sodium hypochlorite solution is directly competitive with dry or powder bleaches. To the extent that a number of soaps and detergents are advertised by their manufacturers that the addition of bleach to their product is not necessary to whiten clothes, such articles are also competitive with sodium hypochlorite solution. The bleaching compounds, soaps and detergents presently have a rating of fourth class. These articles have a higher value per pound and a lower density than does sodium hypochlorite solution. Other articles in liquid form rated fourth class as cleaning, scouring or washing compounds have transportation characteristics virtually identical with those of sodium hypochlorite solution. The evidence shows that the proposed rating is reasonable and is justified.

Item 18920-A

It is proposed to reduce the rating on carbonated (charged) mineral water from third class, L.C.L. to fourth class, L.C.L. In support of the proposal, applicant testified that the transportation characteristics of this article are no different than flavored or phosphated beverages (soda pop), which is rated fourth class L.C.L. The weight of carbonated mineral water is about 40 pounds per cubic foot and its value is approximately 5 cents per pound. The evidence shows that the proposed rating is reasonable and is justified.

Upon consideration of all of the facts and circumstances of record, the Commission is of the opinion and finds that the changes in classification sought herein are justified and that the proposed ratings provide reasonable, just and nondiscriminatory minimum rates for the transportation by common carriers, highway carriers and city carriers within this state.

FINAL ORDER

Based on the evidence of record and on the conclusions and findings set forth in the preceding opinion,

IT IS ORDERED:

1. That the authorities requested as to Items Nos. 2715-A, 11555-A and 18920-A as set forth in the application filed January 10, 1955 and in the first supplemental application filed May 27, 1955 by George H. Dumas, agent, be and they are hereby granted.
2. That the ratings, rules and regulations authorized in paragraph 1 of this order be and they are hereby approved to govern minimum rates established by the Commission in Decisions Nos. 31606, 41362, 41363, 32504 and 35055, as amended.
3. That the applicant be and he is hereby authorized to depart from the provisions of Article XII, Section 21, of the Constitution of the State of California and from the provisions of Section 460 of the Public Utilities Code with respect to the ratings, rules and regulations authorized in paragraph 1 of this order in so far as said ratings, rules and regulations govern nonintermediate rates.

4. That supplements containing the changes authorized herein shall bear a notation that they are issued under authority of this decision.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 10th day of April, 1956.

John E. [Signature]
President
Justin J. Caswell
Raymond [Signature]
B. Hardy

Commissioners

Commissioner Matthew J. Dooley, being necessarily absent, did not participate in the disposition of this proceeding.